

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

FIRST APPEAL NO.725 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Urmila K. Sanil for the Appellant.
Mr. Yuvraj P. Narvankar for Respondent Nos.1 to 4.

CORAM : K. K. TATED, J.
DATE : JANUARY 9, 2015

P.C.:

1. Heard. The appeal is preferred by original Appellant No.2 Insurance Co. challenging the judgment and award dated 23/11/2012 passed by the MACT Karad in MACP No.187/2010.

2. The learned counsel for the Appellant submits that in the preset proceedings, the rider of the vehicle died in the accident and thereafter the legal heirs of the deceased filed claim petition under section 163-A of the Motor Vehicles Act 1988. He submits that, considering the judgment of the Apex Court in the matter of *HDFC Chubb General Insurance Co. Ltd. Vs. Shantidevi R. Thakur and Anr. 2008 ACJ 1280*, the claim filed by the Respondent original claimant itself is not maintainable.

3. Considering the submissions made by the learned counsel for the Appellant and the law laid down by the Apex Court, the Appellant has made out a case for admission of the appeal.

4. Admit.

5. Appellants to file private paper book within one year from today, failing which the appeal shall stand dismissed without further reference to the court.

6. Printing and filing of Roznama dispensed with.

7. The learned counsel for Respondent Nos.1 to 4 waives service.

JUDGE